

Board for Professional Engineers and Land Surveyors

Minutes

Board Meeting

Thursday, February 25, and Friday, February 26, 1999

The Handlery Hotel
Garden Room
950 Hotel Circle North
San Diego, CA

Thursday, February 25, 1999

1. ROLL CALL TO ESTABLISH QUORUM

The meeting was called to order by President Powell at 3:15 p.m.

Roll call was taken—a quorum was present.

Board Members Present: Myrna Powell (President), George Shambeck (Vice-President), Gregg Brandow, Vince DiTomaso, Jim Foley, Andrew Hopwood, Stephen Lazarian, Marilyn Lyon, Millicent Safran, Quang Vu

Board Staff Present: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Legal Counsel), Kevin A. Schunke (Special Assistant to the Executive Officer), Nancy Eissler (Attorney General Liaison Analyst), Robert Jones (Board Administrative Assistant)

Board Members Absent: David Chen, Ted Fairfield, Kathy Hoffman

Public Present: See Attachment A, page 12

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

President Powell asked for public comment. There was none.

3. The Board went into Closed Session.

4. OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION

The Board approved the recommendation of the Enforcement Committee to adopt the proposed stipulation in the matter of Ali Ghorbanzadeh.

The Board approved the recommendation of the Enforcement Committee to adopt the proposed decision in the matter of Abdulrahim N. Chafi.

The Board took action on the petition for reconsideration of Michael Laroue.

The Board took action on the petition for reconsideration of Dinh Nguyen.

The Board adopted the passing raw scores as indicated below for each of the following examinations given at the October 1998 test administration.

Branch	Cutscore	Possible
Agricultural	48	80
Chemical	48	80
Control Systems	43	80
Electrical	48	80
Fire Protection	51	80
Industrial	44	80
Manufacturing	48	80
Mechanical	48	80
Metallurgical	48	80
Nuclear	45	80
Petroleum	48	80
Traffic	75	115
Civil--8 hour	48	80
Seismic	138.82	294
Engineering Surveying	163.04	294

The Board adopted the passing raw scores as indicated below for each of the following examinations given at the October 1998 test administration.

Branch	Cutscore	Possible
Structural	512	947
Geotechnical	513	986

The Board approved the registration of the candidates who had previously passed the 8-hour section of the indicated examinations. Registration for the candidates was not authorized prior to this date because they had not returned their take-home examinations. Candidates were notified of the deficiency and have since returned and passed their take-home examinations.

The Board discussed pending litigation as noticed.

5. APPROVAL OF CONSENT ITEMS

MOTION: Ms. Lyon/Mr. Hopwood moved to approve the Minutes of the December 17 & 18, 1998, January 15, 1999, and February 1, 1999, Board Meetings; the Three and/or Five Year Delinquents; and the Examination Procedures and Results considered in Closed Session.

VOTE: 10-0, Motion carried.

The meeting was adjourned immediately following the approval of consent items, at 3:40 p.m.

Friday, February 26, 1999

1. ROLL CALL TO ESTABLISH QUORUM

The meeting was called to order by President Powell at 9:05 a.m.

Roll call was taken—a quorum was present

Board Members Present: Myrna Powell (President), George Shambeck (Vice-President), Gregg Brandow, David Chen, Vince DiTomaso, Jim Foley, Andrew Hopwood, Stephen Lazarian, Marilyn Lyon, Millicent Safran, Quang Vu

Board Staff Present: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Legal Counsel), Kevin A. Schunke (Special Assistant to the

Executive Officer), Nancy Eissler (Attorney General Liaison Analyst), Robert Jones (Board Administrative Assistant)

Board Members Absent: Ted Fairfield, Kathy Hoffman

Public Present: See Attachment A.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

President Powell asked for public comment. There was none.

Mr. Hopwood entered the meeting at 9:15 a.m.

6. COMITY AND TEMPORARY AUTHORIZATION APPLICATIONS

MOTION: Mr. Lazarian/Ms. Lyon moved to approve the applicants for registration by Comity as noticed on pp 29-30 of the agenda.

VOTE: 11-0, Motion carried.

MOTION: Mr. Vu/Ms. Safran moved to approve the applicants for registration by Comity as noticed on p. 32 of the agenda.

VOTE: 11-0, Motion carried.

MOTION: Dr. Chen/Mr. Lazarian moved to approve the applicants for registration by Comity as noticed on p. 33 of the agenda.

VOTE: 11-0, Motion carried.

MOTION: Ms. Safran/Ms. Lyon moved to approve the applicants for registration by Comity as noticed on p. 34 of the agenda.

VOTE: 11-0, Motion carried.

MOTION: Ms. Lyon/Dr. Chen moved to approve the applicants for registration by Comity as noticed on p. 35 of the agenda.

VOTE: 11-0, Motion carried.

7. UTILITY DEREGULATION—PRESENTATION BY RANDY HOWARD (POSSIBLE ACTION)

Randy Howard, of the L.A. Department of Water and Power and Chair of the Electrical Engineering TAC, discussed some of the aspects of the recent

deregulation of public utilities in California. Mr. Howard stated that the main goal of deregulation has been to lower the cost of power for the consumer. Mr. Howard stated that, unfortunately, lower costs have not been the case. Prices are, in fact, higher since deregulation.

Other highlights of Mr. Howard's presentation included his report that there was a rulemaking submission in December of 1998, regarding potential reforms in the governing of electricity transmission and distribution. Mr. Howard stated that the Public Utilities Commission (PUC) is looking for comments on what a public utility might be in the future.

8. LITTLE HOOVER COMMISSION REPORT: CONSUMER PROTECTION

For their information only, the Board members were informed of the Draft position statement letter as noticed.

9. JOINT UTILITY TRENCH DESIGN PRESENTATION BY SOUTHERN CALIFORNIA EDISON (POSSIBLE ACTION)

The Board discussed the presentation given by Mr. Larry Todd of Southern California Edison (SCE). SCE has asked the Board to modify Board Policy Resolutions (BPRs) #98-01 and 98-04.

MOTION: Mr. Shambeck/Mr. Hopwood moved to leave BPRs #98-01 and 98-04 as they are.

VOTE: 11-0, Motion carried.

10. BOARD POLICY RESOLUTION #98-02 REGARDING ACCIDENT SCENE MAPPING (POSSIBLE ACTION)

The Board discussed and debated BPR #98-02.

MOTION: Ms. Lyon/Mr. Foley moved to reconsider BPR #98-02.

VOTE: 11-0, Motion carried.

MOTION: Mr. Vu/Mr. Hopwood moved to send BPR #98-02 to the Legislative committee for reconsideration.

VOTE: 11-0, Motion carried.

MOTION: Mr. Foley/Mr. Di Tomaso moved to hold BPR #98-02 in abeyance until the reconsideration period is complete.

VOTE: 11-0, Motion carried.

11. 1999/2000 BOARD MEETINGS SCHEDULE (POSSIBLE ACTION)

The Board discussed the Draft schedule as noticed. No action was taken.

12. TECHNICAL ADVISORY COMMITTEE REPORTS

a. Land Surveying

1. Report on the January 29, 1999, Committee Meeting

Mr. Shambeck reported on the January 29, 1999, Committee Meeting.

The next LS TAC meeting will be April 16, 1999, in Oakland.

b. Civil/Geotechnical Engineering

1. Report on the February 3, 1999, Committee Meeting

Mr. Foley reported on the February 3, 1999, Committee Meeting.

Mr. Foley briefed the Board on the status of the Fields of Expertise issue.

Mr. Lazarian requested that the TAC meeting minutes be put into future Board agendas.

c. Electrical Engineering

1. Report on the January 14, 1999, Committee Meeting

Mr. Di Tomaso reported on the January 14, 1999, Committee Meeting.

Mr. Di Tomaso reported that the next meeting would be a joint EE/ME TAC and that it would be on March 25, 1999, at the Board office in Sacramento.

d. Mechanical Engineering

1. Report on the February 2, 1999, Committee Meeting.

Mr. Vu reported on the February 2, 1999, Committee Meeting.

It was suggested that the generic registration issue be placed on each of the TAC agendas in the future.

e. Structural Engineering

1. Discussion Regarding the Proposed Language for Board Rule 404(hh) (Possible Action)

Mr. Brandow reported on the status of the proposed language. He reported that the other TAC comments on this item will need to be put into the next SE TAC agenda.

13. LIAISON REPORTS

a. ABET

President Powell stated there was no report on ABET.

b. NCEES (Possible Action)

- 1999 Western Zone Meeting

Mr. Shambeck reported on the funding status for the 1999 Western Zone meetings.

MOTION: Mr. Vu/Mr. Shambeck moved to nominate and support Ed Graham for another term as the NCEES Western Zone Secretary.

VOTE: 11-0, Motion carried.

- Ratification of Support for Ted Fairfield as NCEES President in 2002

MOTION: Mr. Shambeck/Mr. Vu moved to support Ted Fairfield as NCEES President in 2002.

VOTE: 11-0, Motion carried.

c. International Relations (Possible Action)

Mr. Lazarian informed the Board that the International Relations Committee would be having a teleconference meeting on March 10, 1999, and that he would give a report at the April Board meeting. Mr. Lazarian informed the Board that Ms. Safran is also on the International Relations committee.

d. Technical and Professional Societies

Mr. Di Tomaso stated there was nothing to report on Technical and Professional Societies.

14. PRESIDENT'S REPORT

President Powell commented on the length of time the Board has been in "Sunset."

President Powell commented that, although some of the Board's proactive actions have raised concerns for some important groups in California, the Board is on the right track as long as it continues to attempt to better protect the public health, safety and welfare. The public's biggest negative perception of the Board is that the Board is controlled by those it regulates; therefore, the Board appears to protect mainly those already in the engineering and land surveying professions.

President Powell stated she believes that the Board tries and usually succeeds in correctly responding to its mandate to protect the public health, safety and welfare—which results in positions not always popular with others.

President Powell briefed the Board on the latest NCEES Governance Committee recommendations, timeline, and the proposed amendments to the constitution and bylaws. President Powell reminded the Board that these are only proposals and must receive 2/3 of the votes at the August NCEES annual meetings. The key points were as follows:

1. Zone rotations will provide for nomination of President-Elect only 4 more years. Year 2000 will be Ted Fairfield of the Western Zone.
2. Nominating committee will be elected.
3. Qualifications-Based Selection (QBS) will be used at all levels for nominees.
4. Board of Directors (BOD) will be increased by 2 Vice Presidents-at-Large.
5. Additional responsibilities for BOD (as of 1998 no executive committee)
6. President-Elect will also be chief financial officer.

President Powell also discussed what needs to be done to allow Mr. Fairfield the opportunity to complete his 5-year commitment (2 years Zone V.P., 1 year President-Elect, 1 year President, and 1 year Past President):

1. Extension of Board term of office, and;
2. Governance Committee recommendations

President Powell announced the formation of 2 committees. The first, for the annual Executive Officer evaluation, will consist of Mr. Shambeck and Ms. Lyon. The second committee, a nominating committee for the 1999-2000 Board President and Vice-President, will consist of Mr. Di Tomaso and Ms. Safran. The Di Tomaso/Safran committee report will come at the April Board meeting. The Shambeck/ Lyon committee report will be at the June Board meeting.

President Powell reported that she and staff had met with individuals at the Center for Public Interest Law.

15. EXECUTIVE OFFICER'S REPORT

Ms. Christenson made the Fiscal Report, referring to the Executive Summary report.

Ms. Christenson reported on new hires and vacancies. She stated that Troy St. Mary, who worked the Verifications desk for EIT/LSIT's, had accepted a promotion to another state agency.

Ms. Christenson reported on enforcement/examinations/licensing.

Ms. Christenson reported on publications/website. She commented on the Spring Bulletin, reminding the Board to submit any articles/items they would like included in the Bulletin. She informed the Board that the licensee lookup feature was now online. Ms. Christenson informed the Board that there is 1999 Western Zone information on the website as well.

Ms. Christenson commented on the Examinations Policies and Procedures (EPP) meetings she attended in Atlanta, GA.

Ms. Christenson gave the DCA update.

16. COMMITTEE REPORTS

a. Enforcement

1. Report on the February 25, 1999, Committee Meeting

Ms. Safran reported on the February 25, 1999, Committee Meeting.

2. Review of Delinquent Reinstatement Process (Possible Action)

The Committee directed staff to begin the rulemaking process to amend Board Rule 424.5 by working with the Board's Liaison Deputy Attorney General to develop language and to determine which changes can be made by regulation. The Committee further directed staff to prepare an Action Plan regarding the various proposals discussed, including the status of each and whether legislation, regulation, or policy changes would be needed to implement each.

b. Examination/Qualifications

1. Report on the February 25, 1999, Committee Meeting

Mr. Di Tomaso reported on the February 25, 1999, Committee Meeting.

2. Questionnaire on Engineering Degrees Earned via the Internet (Possible Action)

Mr. Di Tomaso reported that this item would be addressed at the April meeting when all the responses have been received.

c. Administrative

1. Report on the February 25, 1999, Committee Meeting

Mr. Vu reported on the February 25, 1999, Committee Meeting.

2. Cost Savings (Possible Action)

MOTION: Mr. Vu/Ms. Lyon moved to implement the staff Cost Savings Proposals, except for item 2b. on pages 3-4, to achieve 10% overall savings in the Board's budget.

VOTE: 11-0, Motion carried.

3. Administrative Update (Possible Action)
 - Fund Condition
 - 1998/99 Budget
 - Integrated Consumer Protection System (ICPS)
 - Applicant Tracking System
 - Outreach Efforts

There was no action necessary on these items.

d. Legislative

1. Report on the February 25, 1999, Committee Meeting

Mr. Hopwood reported on the February 25, 1999, Committee Meeting.

2. Legislation for 1999/00 Legislative Session, including but not limited to: AB 86 (McClintock), SB 129 (Peace), SB 191 (Knight) (Possible Action)

MOTION: Mr. Hopwood/Mr. Vu moved to take an oppose unless amended position on AB 86 (McClintock.)

VOTE: 11-0, Motion carried.

MOTION: Mr. Di Tomaso/Ms. Lyon moved to take an oppose unless amended position on SB 129 (Peace.)

VOTE: 10-1, Motion carried. (Ms. Safran voted 'nay'.)

MOTION: Ms. Lyon/Mr. Lazarian moved to take an oppose position on SB 191 (Knight.)

VOTE: 11-0, Motion carried.

3. Sunset Process and Related Legislative Action (Possible Action)

There was no action necessary on this item.

17. APPROVAL OF BOARD TRAVEL (POSSIBLE ACTION)

MOTION: Mr. Lazarian/Mr. Foley moved to give Mr. Shambeck authority to travel to Sparks, NV, for a CLSA convention and to 3 outreach meetings.

VOTE: 11-0, Motion carried.

18. OTHER ITEMS NOT REQUIRING BOARD ACTION

There were no items not requiring Board action.

19. ADJOURN

The meeting adjourned at 1:45 p.m.

Next Board meeting: April 9, 1999, at the Board Office in Sacramento

Attachment A – Public Attendees

Joyce Hirano	Caltrans
John Beck	PG&E
Bill Winter	CA Cable T.V. Association
Rich Ray	CLSA
Randy Howard	EE-TAC
Ella Simpson	GTE
Ed Paillios	
Dave Casteel	
Ben Pallea	
J.B. Thompson	CHP
William R. Haight	
Roman Beck	
Don Tapper	
Judy Kelley	
Jack Higgins	
Bill Boatman	
Rolando Geniza	San Diego G.E.
Rich Debevel	
Carroll Witter	
Larry Todd	
Chris Tran	Southern CA Edison
Eric S. Anderson	
Ray Delgado	
Al Ochoa	
Mathew Butler	Center for Public Interest
Connie Easler	